

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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GABRIEL G. H. MIDALGO,

Plaintiff,

v.

SGT. BARBERRY, et al.,

Defendants.

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DECISION & ORDER

06-CV-6223L

Plaintiff in the above-referenced matter having filed a motion for leave to amend his complaint (Docket # 16), and thereafter having filed a motion to compel this Court to issue a decision relating to his motion to amend (Docket # 32), and this Court having granted plaintiff leave to amend his complaint (Docket # 59), it is hereby

ORDERED, that plaintiff's motion to compel a decision (**Docket # 32**) is

**DENIED as MOOT.**

**IT IS SO ORDERED.**

s/Marian W. Payson

MARIAN W. PAYSON  
United States Magistrate Judge

Dated: Rochester, New York  
February 27, 2008